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USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/14/07

November 9, 2007

By Facsimile (212) 805-7901

Hon. Harold Baer, Jr.
United States District Court Judge
Southern District of New York
500 Pearl Street

Re: Willman v. Lazard Capital Markets et al., 07 Civ 3382 (HB).

Dear Judge Baer:

We represent the Defendants in the above referenced action. I have spoken with your Law Clerk, Jasmine Elwick, and she advised that we write to you seeking guidance to reconcile your October 23, 2007 endorsement granting the parties an extension of non-expert fact discovery until December 14, 2007, with the dates for filing briefed motions set forth in the pre-trial scheduling order.

In particular, the combination of your October 23, 2007 endorsement and the prior scheduling order appears to require the parties to serve moving papers on a motion for summary judgment at least one week prior to the close of discovery.

If the date for filing a fully submitted dispositive motion is set to January 9, 2008, that will allow the moving papers to be served on the business day following the close of discovery (due to two interim legal holidays) and would still provide the Court with at least 5 weeks to resolve the motion without altering the Court's Trailing Trial Calendar. Plaintiff's counsel does not oppose this request.

Thank you for your consideration.

Sincerely,

Marc A. Mandelman

Marc A. Mandelman

cc. David Marek, Esq. (Plaintiff's Counsel - by fax)

11/14/07
I think that
Endorsement is dead
you wanted most time
for discovery - I wanted most
time to serve motion - usually a
min 60 days as seen in most to me
perfectly clear as ORDERED
1/15/08

Endorsement:

I think my endorsement is clear you wanted more time for discovery - I wanted more time to decide motion - usually a minimum 60 days as seen in my PTSO - perfectly clear at least to me.